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27 **UNITED STATES DISTRICT COURT**

28 **DISTRICT OF NEVADA**

29 CHRISTOPHER J. HADNAGY, an individual;  
30 and SOCIAL-ENGINEER, LLC, a  
31 Pennsylvania limited liability company,

32 Case No.:  
33 District Court No.: A-23-875618-C

34 **DEFENDANTS JEFF MOSS AND DEF  
35 CON COMMUNICATIONS, INC.'S  
36 NOTICE OF REMOVAL**

37 Plaintiffs,

38 v.

39 JEFF MOSS, an individual; DEF CON  
40 COMMUNICATIONS, INC., a Washington  
41 corporation; and DOES 1-10; and ROE  
42 ENTITIES 1-10, inclusive,

43 Defendants.

44 Defendants Jeff Moss and Def Con Communications, Inc. ("Defendants"), by and  
45 through their counsel of record, file this Notice of Removal pursuant to and 28 U.S.C. §§ 1332,  
46 1441, and 1446 to effect the removal of the above-captioned action, which was commenced in

1 the Eighth Judicial District Court of the State of Nevada in and for the County of Clark, and  
 2 states that the removal is proper for the reasons stated below.

3 **BACKGROUND**

4 1. On August 9, 2023, Plaintiffs Christopher J. Hadnagy and Social-Engineer, LLC  
 5 (“Plaintiffs”) filed a Complaint in the Eighth Judicial District Court of the State of Nevada in  
 6 and for the County of Clark, Case No. A-23-875618-C, titled “*Christopher J. Hadnagy et al. v.*  
 7 *Jeff Moss et al.*” (the “Action”). The allegations of the Complaint in the Action are incorporated  
 8 by reference in this Notice of Removal without necessarily admitting any of them. A true and  
 9 correct copy of the Complaint is attached as **Exhibit A**.

10 2. The Complaint asserts seven causes of action: (1) Defamation, (2) Business  
 11 Disparagement, (3) Intentional Interference with Contractual Relations, (4) Intentional  
 12 Interference with Prospective Economic Advantage, (5) Unjust Enrichment, and (6) Quantum  
 13 Meruit, (7) Injunctive Relief.

14 3. As explained below, the United States District Court for the District of Nevada  
 15 has jurisdiction over this action under 28 U.S.C. § 1332(a) because there is diversity of  
 16 citizenship between Plaintiffs and each of the Defendants, and the amount in controversy exceeds  
 17 \$75,000.

18 **DIVERSITY OF CITIZENSHIP**

19 4. Plaintiffs’ Citizenship. Per the allegations of the Complaint, Plaintiff Christopher  
 20 Hadnagy is a citizen of the State of Florida, and Plaintiff Social-Engineer, LLC is a Pennsylvania  
 21 limited liability company, having its principal place of business in the State of Pennsylvania.  
 22 Compl. ¶¶ 13–14. A limited liability company is deemed a citizen of every state of which its  
 23 members are citizens. *Johnson v. Columbia Properties Anchorage, LP*, 437 F.3d 894, 899 (9th  
 24 Cir. 2006). Information regarding the citizenship of Plaintiff Social-Engineer, LLC’s member(s)  
 25 is not publicly available. Defendants accordingly state that on information and belief, none of  
 26 Plaintiff Social-Engineer, LLC’s member(s) is a citizen of Washington. *See Carolina Cas. Ins.*  
 27 *Co. v. Team Equip., Inc.*, 741 F.3d 1082, 1087 (9th Cir. 2014) (appropriate to simply allege on

1 information and belief that an LLC's members are "diverse to" a defendant when the LLC's  
2 membership is not publicly available).

3       5.       Defendants' Citizenship. Defendant Jeff Moss is a citizen of the State of  
4 Washington. Compl. ¶ 16; *see also Kanter v. Warner-Lambert Co.*, 265 F.3d 853, 857 (9th Cir.  
5 2001). Defendant Def Con Communications, Inc. is a corporation<sup>1</sup> organized under the laws of  
6 the State of Washington, having its principal place of business in the State of Washington. A  
7 corporation's citizenship includes the state of its principal place of business and the state of  
8 incorporation. *Hertz Corp. v. Friend*, 559 U.S. 77, 94 (2010). Accordingly, Defendants are  
9 citizens of Washington. As such, no Defendant is a citizen of any state or territory in which  
10 Plaintiffs are a citizen.

11       6.     Doe and Roe Defendants' Citizenship. The citizenship of fictitious defendants is  
12 disregarded for purposes of establishing removal jurisdiction under 28 U.S.C. § 1332. *See* 28  
13 U.S.C. § 1441(a); *see also Bryant v. Ford Motor Co.*, 886 F.2d 1526 (9th Cir. 1989), *cert. denied*,  
14 493 U.S. 1076 (1990).

## AMOUNT IN CONTROVERSY

16        7.     In considering the amount in controversy, what matters is the amount put in  
17 controversy by a plaintiff's complaint, not what amount the defendant will actually owe (if  
18 anything). “[T]he amount in controversy is simply an estimate of the total amount in dispute,  
19 not a prospective assessment of defendant's liability.” *Lewis v. Verizon Commc'nns, Inc.*, 627  
20 F.3d 395, 400 (9th Cir. 2010).

21 8. On the face of the Complaint, Plaintiffs seek damages in excess of \$75,000.  
22 Plaintiffs here seek to recover “actual, consequential, and incidental damages against Defendants  
23 in excess of \$15,000 for each of the above-mentioned causes of action.” Compl., at p.28 (Prayer  
24 for Relief). This amount is exclusive of the punitive damages, interest, attorney’s fees, and costs  
25 that are also sought by Plaintiffs. *Id.* Because Plaintiffs assert a total of seven causes of action  
26 and seek “in excess of \$15,000 for each,” the Complaint’s *minimum* damages demand totals

<sup>28</sup> <sup>1</sup> Plaintiffs' Complaint incorrectly alleges that Def Con Communications, Inc. is a limited liability company. Compl. ¶ 17.

1 \$105,000. The amount in controversy plainly exceeds the \$75,000 threshold established by 28  
2 U.S.C. § 1332(a).

3 **VENUE**

4 9. Venue lies in the District of Nevada pursuant to 28 U.S.C. §§ 1441(a) and  
5 1446(a). This action was originally brought in Eighth Judicial District Court of the State of  
6 Nevada in and for the County of Clark, which is embraced by the United States District Court  
7 for Nevada.

8 **NOTICE OF REMOVAL**

9 10. Defendants were served with the Summons and Complaint in the Action on  
10 August 10, 2023. This Notice of Removal is “filed within 30 days after receipt by the defendant,  
11 through service or otherwise, of a copy of [a] . . . paper from which it may first be ascertained  
12 that the case is one which is or has become removable,” thus the Notice of Removal is timely  
13 pursuant to 28 U.S.C. § 1446(b)(3).

14 11. All Defendants consent to this Notice of Removal.

15 12. This Notice of Removal will be served promptly on Plaintiffs and filed with the  
16 Clerk of the Eighth Judicial District Court of the State of Nevada in and for the County of Clark.

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1 WHEREFORE, Defendant prays that this civil action be removed from the Eighth  
2 Judicial District Court of the State of Nevada in and for the County of Clark to the United States  
3 District Court for the District of Nevada.

4 DATED this 29th day of August 2023.

5 **HOLLAND & HART LLP**

6  
7 */s/ Robert J. Cassity* \_\_\_\_\_  
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**INDEX OF EXHIBITS**

2

Exhibit	Description	Page Numbers
A	Summons and Complaint	001 - 029

3

4

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 29th day of August, 2023, a true and correct copy of the foregoing **CAPTION** was served by the following method(s):

Electronic: by submitting electronically for filing and/or service with the United States District Court, District of Nevada's e-filing system and served on counsel electronically in accordance with the E-service list to the following email addresses:

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/s/ Kristina R. Cole  
An Employee of Holland & Hart LLP

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